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5 UNITED STATES BANKRUPTCY COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 In re: ) Case No. 11-01122-FLK12  
8 MARK C. YOUNG AND JUDITH L. YOUNG, ) FINDINGS OF FACT AND  
9 Debtor. ) CONCLUSIONS OF LAW  
10 )

11 THIS MATTER having come before the above-entitled Court for  
12 confirmation, such Confirmation Hearing was held by telephone conference on April  
13 10, 2012, and the Court having read the Declaration of Mark Young, Debtor herein,  
14 and having reviewed the Plan and the Trustee's Confirmation Summary, and having  
15 heard the arguments of counsel, makes the following:

16 FINDINGS OF FACT  
17

18 I.

19 Debtors filed the above-captioned voluntary Chapter 12 Proceeding on March  
20 8, 2011.

21 II.

22 Debtors filed their Chapter 12 Plan on March 8, 2012.

23 III.

24 All creditors were given notice of Debtors' Chapter 12 Plan.

25 FINDINGS OF FACT AND  
CONCLUSIONS OF LAW - I

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IV.

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6 Debtors received three objections to their Plan, one from Global Mortgage and  
7 Credit, LLC, one from Monson Fruit Company, Inc., and one from Farm Service  
8 Agency of the US Department of Agriculture.

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V.

18 Debtors filed their Amended Chapter 12 Plan on April 6, 2012. Debtor's filed  
19 their Second amended Chapter Twelve Plan on April 9<sup>th</sup> 2012. The Second Amended  
20 Plan, as filed by Debtor resolves all creditor objections to the Plan.

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VI.

1 Debtor's filed an Adversary Proceeding against Debtors alleging non-dis-  
2 chargeability of debt on April 20, 2011,. The provisions of the Second Amended Plan  
3 resolve all claims by Monson against the Debtors and all of Debtors counterclaims  
4 against Monson Fruit. Debtors and Monson Fruit have agreed upon confirmation of  
5 the Debtors' Second Amended Chapter 12 Plan, The Adversary Proceeding Case  
6 No. 11-80072-FLK12 will be dismissed upon confirmation of Debtors Second  
7 Amended Chapter twelve plan .

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VII.

18 Debtors' budget projections attached to their Second Amended Chapter 12  
19 Plan, indicate the Plan is feasible and Debtors will be able to make their payments as  
20 set forth in the Plan.

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VIII.

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW - 2

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1 All fees, charges or amounts required to be paid under Chapter 12 under Title  
2 28 USC or by the Plan, to be paid before confirmation, have been paid.  
3

4 From the foregoing Findings of Fact, the Court makes the following  
5 Conclusions of Law.

6 CONCLUSIONS OF LAW  
7

8 XXII.  
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10 The Debtors' Second Amended Chapter Twelve Plan complies with the  
11 provisions of Chapter Twelve and other applicable provisions of Title 28 U.S.C.  
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13 XXIII.  
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15 The holder of each secured claim has accepted the Plan and shall receive  
16 payments on the secured portion of its claim as set forth in the Plan and shall retain  
17 its lien until such payment has been paid  
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19 XXIV.  
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21 The Debtors will be able to make all payments and comply with the Plan.  
22

23 XXV.  
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25 The chapter 12 Trustee shall receive compensation pursuant to 28 U.S.C.  
26 §586(e)(1)(B)(ii).  
27

28 XXVI.  
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30 The Plan has been proposed in good faith and not by any means forbidden by  
31 law.  
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33 Presented by:  
34

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37 FINDINGS OF FACT AND  
38 CONCLUSIONS OF LAW - 3

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1 BY WLH  
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3 Attorney for Debtors

4 CHAPTER 12 TRUSTEE  
5 Approved  
6 Ford Elsaesser  
7 Chapter 12 Trustee

8 VELIKANJE HALVERSON, P.C.

9 BY: \_\_\_\_\_  
10 Alan Campbell  
11 Attorney for Monson Fruit Co., Inc.

12 HURLEY AND LARA  
13 Approved  
14 James Hurley  
15 Attorney for Global, Mortgage and Credit, LLC

16 US ATTORNEY'S OFFICE  
17 Approved  
18 Frank A. Wilson  
19 Attorney for Farm Service Agency

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25 FINDINGS OF FACT AND  
CONCLUSIONS OF LAW - 4

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4

5 CHAPTER 12 TRUSTEE

6

7 Ford Elsaesser  
8 Chapter 12 Trustee

9

10 VELIKANJE HALVERSON, P.C.

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18 US ATTORNEY'S OFFICE

19 BY \_\_\_\_\_  
20 Frank A. Wilson  
21 Attorney for Farm Service Agency

22

23

24

25 FINDINGS OF FACT AND  
CONCLUSIONS OF LAW - 4

Frank L. Kurtz  
Bankruptcy Judge

05/10/2012 DANNER, ANDERSON & WHITLOW, P.S.  
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